

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**IN THE MATTER OF THE
ESTABLISHMENT INSPECTION OF:**

NISSAN NORTH AMERICA, INC.,

**CANTON, MISSISSIPPI FACILITY
LOCATED AT 300 NISSAN DRIVE
CANTON, MISSISSIPPI 39046**

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CASE NO. 3:16-MC-00692-HTW-LRA

ORDER

THIS MATTER is before the Court on Nissan North America, Inc.'s ("Nissan") Motion to Partially Quash Inspection Warrant. This Court issued an Inspection Warrant ("Warrant") on September 1, 2016 pursuant to Section 8 of the Occupational Safety and Health Act, 20 U.S.C. § 651, *et seq.* ("the Act"), authorizing the Occupational Safety and Health Administration (OSHA) to conduct an inspection and investigation of the worksite at Nissan North America, Inc. 300 Nissan Drive, Canton, Mississippi (the "Worksite"). The Court has been advised and informed by Nissan and OSHA that, as a settlement of the present dispute concerning the Warrant, the inspection and investigation may proceed on the following terms:

1. Current Nissan employees Patricia Ruffin, Travis Parks, and Joe Wilson (the "Employees") may volunteer for the Nissan Safety Committee for purposes of the OSHA inspection and investigation that are the subject of the Warrant.

2. Not later than November 18, 2016, Nissan will provide Safety Committee orientation training to the Employees, at no cost to the Employees and during their regular and usual work shifts.

3. Within twenty-four (24) hours after completing the Safety Committee orientation training described above, Nissan will notify Karen E. Mock, counsel for OSHA, that the Employees have been trained.

4. Nissan will not object to OSHA's selection of one or more of the Employees to participate in the walkaround inspection and investigation that are the subject of the Warrant, along with other members of the Nissan Safety Committee, provided that the Employees have completed the Safety Committee orientation training.

5. The statute of limitations set forth in Section 9 of the Act will be tolled from September 19, 2016 until the date OSHA re-enters the Worksite to conduct its inspection and investigation or November 28, 2016, whichever date is earlier.

6. If Nissan fails to comply with paragraphs 1-3, above, by November 18, 2016, the statute of limitations will be tolled until fourteen (14) business days after Nissan notifies OSHA it has trained the Employees.

7. Nissan's agrees to withdraw its Motion to Partially Quash Warrant and Motion to Request Discovery Schedule and Hearing within twenty-four (24) hours of entry of this Order.

Accordingly, IT IS THEREFORE, ORDERED:

A. The statute of limitations set forth in Section 9 of the Act shall be tolled from September 19, 2016 until the date OSHA re-enters the Worksite to conduct its inspection and investigation or November 28, 2016, whichever date is earlier.

B. If Nissan fails to comply with paragraphs 1-3, above, by November 18, 2016, the statute of limitations shall be tolled until fourteen (14) business days after Nissan notifies OSHA it has trained the Employees.

C. The Court shall retain jurisdiction of this action to enforce the Warrant and the terms of the settlement set forth above.

SO ORDERED this 14th_ day of November, 2016.

/s/ Linda R. Anderson
LINDA R. ANDERSON
U. S. MAGISTRATE JUDGE